

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 14, 2009 has been entered.
2. Claims 7, 9-10 and 25 are pending and are being acted upon in this Office Action.
3. The enablement rejection of claims 4, 7-10, 25 and 26 under 35 U.S.C. 112, first paragraph, has been obviated by the claims amendment filed July 14, 2009.
4. The rejection of claims 4, 7-10 and 26 under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,903,194 B 1 (of record, filed September 24, 1997; PTO 892) has been obviated by the claims amendment. Specifically, the patent does not teach the treatment of hyperosmolarity caused by a decrease in vasopressin level in blood by administering to a patient at least one humanized anti-parathyroid hormone related protein 1-34 antibody or a binding fragment thereof that binds to SEQ ID NO: 75 as set forth in claim 9.
5. The rejection of claims 4, 7-10 and 26 under 35 U.S.C. 102(b) as being anticipated by CA 2,266,332 publication (of record, published April 2, 1998; PTO 892) has been obviated by the claims amendment. Specifically, the patent does not teach the treatment of hyperosmolarity caused by a decrease in vasopressin level in blood by administering to a patient at least one humanized anti-parathyroid hormone related protein 1-34 antibody or a binding fragment thereof that binds to SEQ ID NO: 75 as set forth in claim 9.
6. The rejection of claims 4, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,903,194 B1 (of record, filed September 24, 1997; PTO 892) in view of Kitamura et al (of record, Biochemical and Biophysical Research Communication 171 (3): 1387-1394, 1990; PTO 892) has been obviated by the claims amendment.

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7. The rejection of claims 25-26 under 35 U.S.C. 103(a) as being unpatentable over US Pat No. 6,903,194 (of record, filed March 25, 1999; PTO 892) in view of Harlow *et al* (of record, in Antibodies a Laboratory Manual, 1988, Cold Spring harbor laboratory patent, Cold Spring Harbor, NY, pages 626-629) or US Pat No. 4,946,778 (of record, Aug 1990, PTO 892) has been obviated by the claims amendment.
8. The rejection of claims 4, 7-10, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over CA 2,266,332 patent (of record, published April 2, 1998; PTO 892) in view of Kitamura et al (of record, Biochemical and Biophysical Research Communication 171 (3): 1387-1394, 1990; PTO 892) has been obviated by the claims amendment.
9. The rejection of claims 25-26 under 35 U.S.C. 103(a) as being unpatentable over CA 2,266,332 patent (of record, published April 2, 1998; PTO 892) in view of Harlow *et al* (of record, in Antibodies a Laboratory Manual, 1988, Cold Spring harbor laboratory patent, Cold Spring Harbor, NY, pages 626-629) or US Pat No. 4,946,778 (of record, Aug 1990, PTO 892) has been obviated by the claims amendment.
10. The rejection of claims 4, 7-10, and 26 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. US Pat No 6,903,194 B 1 has been obviated by the claims amendment.
11. The rejection of claims 4, 7-10, 25 and 26 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,903,194 B1 (of record) in view of Kitamura et al (of record, Biochemical and Biophysical Research Communication 171(3): 1387-1394, 1990; PTO 892) has been obviated by the claims amendment.
12. The rejection of claims 25-26 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,903,194 B1 in view of Harlow *et al* (of record, in Antibodies a Laboratory Manual, 1988, Cold Spring harbor laboratory patent, Cold Spring Harbor, NY, pages 626-629) or US Pat No. 4,946,778 (of record, Aug 1990, PTO 892) has been obviated by the claims amendment.

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13. The rejection of claims 4, 8-10, 25 and 26 under 35 U.S.C. 112, second paragraph, has been obviated by the claims amendment.

#### **EXAMINER'S AMENDMENT**

14. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
15. Authorization for this examiner's amendment was given in a telephone interview with Daniel J Pereira on August 6, 2009.
16. In the claims:
- Claim 9, line 5 -- that binds to SEQ ID NO: 75 -- has been inserted after "thereof"
  - Claim 9, line 5, "a decrease or increase the" has been changed to -- the decrease in --
  - Claim 9, lines 6-12, "the at least one humanized anti-parathyroid hormone related protein 1-34 (anti-PTHrP (1-34)) antibody, or binding fragment thereof, inhibits the binding between PTHrP and a receptor thereof, allowing the antibody to inhibit the binding of PTHrP and its receptor, and increasing vasopressin level in the blood, wherein the antibody, or binding fragment thereof, binds specifically to SEQ ID NO: 75, and wherein the antibody neutralizes bioactivities of parathyroid hormone related protein" has been changed to -- said at least one humanized anti-parathyroid hormone related protein 1-34 (anti-PTHrP (1-34)) antibody, or binding fragment thereof comprises a heavy chain variable region comprising the amino acid sequence of SEQ ID NO: 56 and a light chain variable region comprising the amino acid sequence selected from the group consisting of SEQ ID NO: 47, 48, 49, 50, 51, 52, 53, 54 and 55.
  - Claim 25, line 2, "antibody" has been changed to -- binding --
17. Claims 7, 9-10 and 25 are allowed.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The IFW official Fax number is (703) 872-9306.
19. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phuong Huynh/

Primary Examiner, Art Unit 1644

August 17, 2009